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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,983	03/08/2002	Andre Georges Cook	DN1999227USA	4851

7590 01/28/2004

The Goodyear Tire & Rubber Company  
Patent & Trademark Department D 823  
1144 East Market Street  
Akron, OH 44316-0001

EXAMINER

BRINSON, PATRICK F

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 01/28/2004

Priority to  
10/20/99

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/070,983

Applicant(s)

COOK ET AL.

Examiner

Patrick F. Brinson

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 4-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-3, drawn to an improved flexible hose.

Group II, claim(s) 4-9, drawn to an improved method of manufacturing a hose.

Group III, claim(s) 10-14, drawn to a hose length.

2. The inventions listed as Groups I, II and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I requires a flexible hose of flexible material including a reinforcing rod positioned externally of the flexible material, wherein the reinforcing rod has one terminal end being located short of the terminal ends of the flexible material, thus becoming a soft cuff to be received by a hose fitting. This feature is not found in the inventions of Groups II and/or III.

3. During a telephone conversation with Applicant's attorney, **Ms. Nancy T.**

**Krawczyk** on Thursday, January 22, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-3. Applicant in replying to this Office action must make affirmation of this election. Claims 4-14 are withdrawn

from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by **French reference #1,467,950**.

The ‘950 reference discloses a flexible hose comprising a flexible material and a reinforcing rod (2). The hose being formed with flexible terminal ends, wherein the rod has a terminal end being located short of the terminal ends of the flexible material, thus the flexible end is a soft cuff (1) adapted to be received by a hose fitting, as recited in claim 1.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over **French reference '950**.

The **'950** reference discloses the recited subject matter, as recited in the preceding paragraph, however it does not disclose an imprinted detent extending through the cuff at a pitch greater than that of the reinforcing rod. The specification indicates, page 6, lines 18-24, that the detent is a mere by-product of manufacture. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide a imprinted detent through the cuff and to provide the detent at a pitch greater than the reinforcing rod because Applicant has not disclosed that providing an imprinted detent provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art would expect Applicant's invention to perform equally well with out the detent because Applicant states that the detent does not affect the seal needed in

applying a fitting to the hose cuff, implying that it is not required. Therefore, it would have been an obvious matter of design choice to modify **French reference '950** to obtain the invention as specified in claims 2 and 3.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Guertin, Huston et al., Takahashi et al., God, Van Der Hagen, Swink et al., Sheridan et al., Akedo et al., and Taylor et al., are all pertinent to Applicant's invention in disclosing corrugated hoses wherein the corrugation and or reinforcing rod ended prior to the terminal end of the tube thereby providing a cuff portion for connection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (703) 308-0111. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

Application/Control Number: 10/070,983  
Art Unit: 3752

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A handwritten signature in black ink, appearing to read "Patrick F. Brinson". The signature is fluid and cursive, with the first name "Patrick" and last name "Brinson" clearly distinguishable.

Patrick F. Brinson  
Primary Examiner  
Art Unit 3752

P. F. Brinson  
January 23, 2004